

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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EDWARD CIOCIOLA,

Plaintiff,

v.

Case No. 06-C-00255

HARLEY-DAVIDSON INC. and  
HARLEY-DAVIDSON MOTOR  
COMPANY, INC.,

Defendants.

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**ORDER**

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It has been drawn to the court's attention that on page 35 of the Decision and Order of April 24, 2008, the quoted deposition testimony is attributed incorrectly in the textual explanation to attorney Jennifer Anderson ("Anderson"). Although the text correctly states that Anderson conducted the clearance search for the "Scarecrow, Black and Blue" Radical Paint Set, Anderson was not deposed in this matter and thus was not the source of the quoted deposition testimony. The citation for the quotation on page 35 correctly attributes the deponent as attorney Jennifer Ziegler.

The court so amends the Decision and Order of April 24, 2008 to state that:

"Attorney Jennifer Anderson ("Anderson") conducted the clearance search for the "Scarecrow, Black and Blue" Radical Paint Set. Attorney Jennifer Ziegler, senior trademark counsel for HD Michigan, Inc., testified that

A. If it's a trademark and it's going to be used by the company as a brand name, as a source identifier, and we're planning to seek protection and exclusivity . . . we will do a Thomson & Thomson search.

Q. . . . When don't you use Thomson?

A. When we have product names. And that might be from color shop, wheels, and paint set names.

(Hartmann Aff., Ex. HH, Ziegler Dep. 16:3-22.)”

**SO ORDERED** this 28th day of May, 2008, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.  
WILLIAM E. CALLAHAN, JR.  
United States Magistrate Judge